

Respondent and its insurance carrier appealed the Award and contend that claimant failed to prove that she injured herself while working for respondent. Claimant alleged that she injured herself when the chair in which she was sitting suddenly lowered and caused

her to hit her knee on the floor. But respondent and its insurance carrier contend that the chair did not drop as alleged and, therefore, claimant did not injure herself as alleged. That is the only issue before the Board on this appeal.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the entire record and considering the parties' arguments, the Board concludes that the July 28, 2000 Award should be affirmed. The Board adopts the findings and conclusions made by Judge Sample. As pointed out by the Judge, this claim hinges upon claimant's credibility. Giving some deference to the Judge's determination, the Board also finds claimant to be a credible witness. Therefore, the Board finds that claimant sustained personal injury by accident arising out of and in the course of employment with respondent, and that she is entitled to receive the benefits that the Judge awarded.

**AWARD**

**WHEREFORE**, the Board affirms the July 28, 2000 Award.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of January 2001.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Mark E. Kolich, Kansas City, KS  
James M. McVay, Great Bend, KS  
Julie A. N. Sample, Administrative Law Judge  
Philip S. Harness, Director